

REMARKS

I. General

Claims 1-52 were pending in the present application. In a telephonic interview on July 23, 2008 between Applicant's representative, Jody Bishop, and the Examiner, Kuen S. Lu, the Examiner required restriction between the following claim groups:

- I. Claims 1-10, 21-30, and 41-42; and
- II. Claims 11-20, 31-40, and 43-52.

Applicant's representative elected Group I (claims 1-10, 21-30, and 41-42) for continued examination in the present application.

The present Office Action (mail August 4, 2008) raises the following issues:

- Page 1 of the Office Action indicates that the drawings are both accepted and objected to. However, page 4 of the Office Action indicates that the drawings are accepted, and no objections are specified in the Office Action. Therefore, Applicant believes that the drawings are accepted, and asks for clarification from the Examiner if any objection is intended.
- Claims 1-10, 20-30, and 41-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,798 to Lickiss et al. (hereinafter "*Lickiss*") in view of U.S. Patent Application Publication No. 2002/0171673 to Brown et al. (hereinafter "*Brown*").

Applicant respectfully traverses the outstanding rejections raised in the current Office Action, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Amendments

Claims 1, 21, and 41 are amended herein, claims 11-20, 31-40, and 43-52 are canceled without prejudice, and new claims 53-57 are added. No new matter is added by the claim amendments or newly added claims as support for the new limitations can be found throughout the specification as originally filed, *see e.g.*, 0027-0035 and 0041-0051.

III. Rejections Under 35 U.S.C. §103

Claims 1-10, 20-30, and 41-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lickiss* in view of *Brown*. Applicant respectfully traverses these rejections for the reasons discussed hereafter.

The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in *Graham v. John Deere and Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Applicant respectfully asserts that the claims include non-obvious differences over the cited art.

As discussed further below, the rejections should be overturned because when considering the scope and content of the applied combination of the *Lickiss* and *Brown* references there are significant differences between the combination and claims 1-10, 20-30, and 41-42. Thus, considering the lack of any disclosure or suggestion in the applied combination of all elements of claims 1-10, 20-30, and 41-42, one of ordinary skill in the art would not find these claims obvious under 35 U.S.C. §103, and therefore the rejections should be withdrawn.

Independent claim 1, as amended herein, recites:

A range-conversion method comprising:
receiving medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field;
identifying one or more of said data fields as a range-based data field; and
defining, by an authorized user who has authorized access to the medical data records, a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields. (Emphasis added).

The applied combination of *Lickiss* and *Brown* fails to teach or suggest at least the above-emphasized limitations of claim 1. As amended, claim 1 is directed to medical data records that include at least a portion of a corresponding patient's medical history. As is well known in the art, such medical records are special types of data records due to the sensitive nature of the information they contain and the restrictive access to such information to only certain authorized users, such as a patient's physician. As discussed below, neither *Lickiss* nor *Brown* concern medical data records.

In addition, amended claim 1 recites that the medical history includes one or more data fields that are identified as range-based data field, and an authorized user (e.g., a patient's physician) defines a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of values for one of the range-based data fields. For instance, as discussed in paragraphs 0044-0045 of the present application, one such range-based data field included a medical record may be a cholesterol field for a patient, and a text-based range descriptor of "1" may be defined to represent a total cholesterol reading of <150, a text-based range descriptor of "2" may be defined to represent a total cholesterol reading of 150-199, a text-based range descriptor of "3" may be defined to represent a total cholesterol reading of 200-239, a text-based range descriptor of "4" may be defined to represent a total cholesterol reading of 240-274, and a text-based range descriptor of "5" may be defined to represent a total cholesterol reading of >275. As discussed further hereafter, *Lickiss* and *Brown* do not propose any such text-based range descriptors for a range-based data field of a medical record. While *Brown* proposes a descriptor of a geographic location (e.g., "conference room A" corresponding to a range of positional coordinate values that fall within the geographic bounds of the

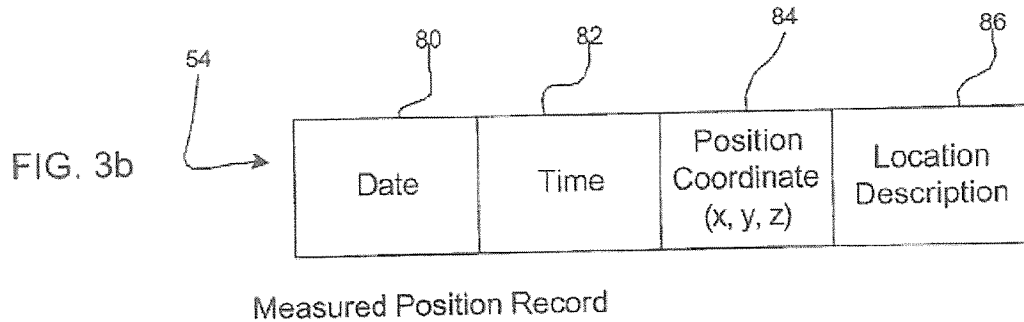
conference room), it simply fails to address any such descriptor for range-based medical history data.

Assigning a description of a geographic location to positional coordinates that fall within a geographic bound of such location is much different, and generally much more simple, than assigning a description of range-based medical history data. For instance, identifying positional coordinates that fall within a given room's geographic bounds is a fairly simply binary task – either the positional coordinates are within the bounds of the room or they are not, whereas defining text-based descriptors for a range-based field in a medical record generally requires some professional medical judgment regarding interpretation of the corresponding values of the medical data.

Lickiss is directed generally to an “automated order processing system for a telecommunications services carrier is capable of activating customer orders and provisioning telecommunications services for customers.” Abstract of *Lickiss*. Again, *Lickiss* provides no teaching whatsoever regarding medical data records. And, the Office Action concedes that *Lickiss* fails to disclose identifying one or more data fields as a range-based data field. The Office Action instead relies upon *Brown* as teaching or suggesting such range-based data fields.

Brown is directed to a “method, system, and program for analyzing data within a personal information management program.” Abstract of *Brown*. *Brown* gathers a user's positional information from a wireless device carried by the user, such as a wireless global positioning system (GPS) device, *see e.g.*, the wireless device 2 in Figure 1 of *Brown*. *Brown* correlates time period and/or event information with corresponding position coordinates to achieve a record that indicates the amount of time that the user spent at scheduled activities/events and/or at designated work locations, *see e.g.*, paragraph 0007 of *Brown*.

Brown proposes a technique which creates a measured position record as shown in its Figure 3b:



The measured position record in *Brown* takes a measured position coordinate X, Y, Z (e.g., from a mobile GPS device that a user is carrying) and associates a location description with it, *see* paragraph 0043 of *Brown*. Thus, for instance, a given room description (e.g., conference room A) may be used as the location description to describe various position coordinates that fall within the geographic boundary of the given room.

While *Brown* proposes a descriptor of a geographic location (e.g., “conference room A” corresponding to a range of positional coordinate values that fall within the geographic bounds of the conference room), it simply fails to address any such descriptor for range-based medical history data. As discussed above, assigning a description of a geographic location to positional coordinates that fall within a geographic bound of such location is much different, and generally much more simple, than assigning a description of range-based medical history data.

Accordingly, the combination of *Lickiss* and *Brown* does not teach or suggest all limitations of claim 1, as amended herein. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claims 21 and 41, as amended herein, are also believed to be patentable over the applied combination of *Lickiss* and *Brown* for reasons similar to those discussed above with claim 1. Therefore, Applicant respectfully requests that these rejections also be withdrawn.

Each of dependent claims 2-10, 22-30, and 42 depends either directly or indirectly from one of independent claims 1, 21 and 41, and thus each inherits all limitations of the respective independent claim from which it depends. It is respectfully submitted that dependent claims 2-10, 22-30, and 42 are allowable not only because of their dependency from their respective independent claim for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compels a broader interpretation of their respective independent claim).

IV. New Claims

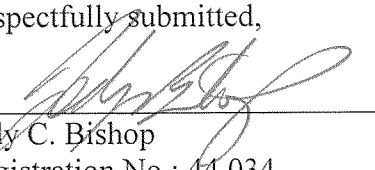
Each of newly-added claims 53-57 depends either directly or indirectly from one of independent claims 1 and 21, and thus each inherits all limitations of the respective independent claim from which it depends. It is respectfully submitted that newly-added dependent claims 53-57 are allowable not only because of their dependency from their respective independent claim for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compels a broader interpretation of their respective independent claim).

V. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance. Applicant believes a 1-month extension of time fee of \$130.00 is due with the response. However, if an additional fee is due, please charge our Deposit Account No. 50-3948, under Order No. 66729/P038US/10614714 from which the undersigned is authorized to draw.

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Respectfully submitted,

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